IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.291 OF 2003

IN

SUMMARY SUIT NO.289 OF 2003

Ravindra Shamrao Sakru @ Acharekar. .. **Plaintiff.**

v/s.

1. Mrs. Sana Sajid Sayyed,
2. Mr.Sajid Sayyed. .. **Defendents.**

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Shri P.B. Patil, Advocate for plaintiff.

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CORAM: D.G.DESHPANDE, J.

DATE : 5TH OCTOBER, 2004

P.C. :-

. Heard the learned advocate for plaintiff. Nobody is present for defendant. The advocate for plaintiff has filed affidavit of service of summons for judgment as per which summons for judgment is served upon the advocate for defendant. His signature is on Summons for Judgment. Plaintiff is father and defendant No.1 is daughter. He has given Rs.4 Lakhs by way of cheque to the defendant No.1. It was credited to the Joint account of both the defendants. The amount was not repaid. Therefore this suit. Plaintiff has sent notice to the defendant before filing suit. She has given

reply Exh.D to the plaint. From the reply it appears that she has claimed that the amount of Rs.4 Lakhs given to her was by way of part-payment towards her share in the plaintiff's property and marriage expenses and consideration towards gold ornaments of the defendant No.1 lying with and disposed of by the plaintiff. In the absence of the reply to the Summons for Judgment, contention raised in the reply to the notice appears to be bogus. Therefore, Summons for Judgment is made absolute. Suit is decreed as prayed for with 12% interest from the date of the suit till realisation and costs. Refund of court fees, if any, as per rules. Suit and summons for judgment are disposed of. Certified copy expedited.

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